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OCT 21 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Kevin E. Laracey et al.
Application No. 09/602,697
Filed: June 24, 2000
Attorney Docket No.: **OIC0055US**

This is a decision on the petition filed September 17, 2008, under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed October 18, 2007 set the longer of one month or thirty days as the period for reply. No response to the October 18, 2007 Restriction Requirement having been timely filed, the application became abandoned November 20, 2007. Accordingly, a Notice of Abandonment was mailed May 1, 2008.

The petition fee in the amount of \$1540.00 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed September 17, 2008 will be referred to Technology Center 3693 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).